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THE
HISTORY
OF THE
SHERIFFDOM
OF THE
City of *London* and County
of *Middlesex*.

CONTAINING

The original METHOD of electing Sheriffs for the said City and County; an Account of the several Alterations that have happen'd in such Elections; in whom the Right of Choice has resided, and by whom the Elections have been managed, from the first granting of the Charter to the Citizens to choose Sheriffs from among themselves, in the Reign of *Henry* the First, and Third King from the CONQUEST, to the present Time. POLLS and SCRUTINIES, when first began, and how, and by whom to be managed. With a faithful Relation of the Case of *Mr. Papillon* and *Mr. Dubois*, in the Reign of King *Charles II.* upon which follow'd the seizing of the City Charter into that Prince's Hands.

THE WHOLE

Extracted from HISTORIANS, CHARTERS, and ACTS of COMMON-COUNCIL.

To which is added

The OPINION of the Lord Chief Justice concerning the POWER of the LORD MAIOR in these Elections, as deliver'd by him in his Charge to the Jury, in the famous Trial between *Sir William Pritchard* and *Mr. Papillon*. And the several Acts of Common-Council since made, to settle that Magistrate's Authority, and regulate Elections.

LONDON: Sold by A. Dodd without Temple-Bar. 1721

THE
HISTORICAL
SOCIETY
OF
NEW-YORK
AND
THE
CITY
OF
ALBANY

The Historical Society of New-York and the City of Albany, in pursuance of the resolution of the Board of Directors, do hereby certify that the following is a list of the names of the members of the Society, as reported to the Secretary, on the 1st day of January, 1850.

THE NEW-YORK HISTORICAL SOCIETY.
NEW-YORK: PUBLISHED BY THE SOCIETY, 1850.



T H E
P R E F A C E.



Could not without
Concern observe the
unhappy Differences
that frequently arose
among my Fellow-
Citizens soon after *Midsummer*,
on Account of the Proceedings
at *Guild-Hall*, in the Manage-
ment of the late Election of
Sheriffs. All Companies were
a 2 full

full of it, and the Persons that compos'd them generally divided in their Opinions about it: Some strenuously insisting on too high a Prerogative in the Lord Maior; whilst others with as much Warmth opposed them, and vested a Power in the Sheriffs, as contrary to Reason, as 'twas to the Meaning of the Acts of Common-Council lately made in their Favour. I thought therefore I could not do a more acceptable Piece of Service to the Publick, (now the Time of the new Sheriffs taking on them their Office is coming on) than to give them a View of what Methods have been made

made use of in these Elections, through all Ages, from the first granting the Liberty to the Citizens to chuse these Magistrates from among themselves, to the present Time. The Power of the Lord Maior in them was certainly very great, till *somewhat* restrain'd by the Acts of Common-Council pass'd since the Revolution. But that Restraint can be construed to reach no farther than the very Words of these Acts import; which were made to prevent, not to countenance arbitrary Proceedings on either Side. And thus, as two Cases seldom happen to be exactly parallel in all
 Cir-

Circumstances ; so in the present, some things have been transacted, which are not directly determined by the express Words of any Act that I have seen, but may reasonably be supposed to be lodged in the Prerogative of the Lord Maior, as the supreme Magistrate of the City, and absolutely necessary for his good Government of it. But as I at first design'd little more than to give a History of the Sherifffdom, and leave my Readers to judge for themselves, I shall now only recommend to their impartial Consideration the Clauses of two Acts of Common-Council, the

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the one made in the Maioralty of Sir *Thomas Lane*, and the other in that of Sir *Richard Hoare*, which I have inserted in the very Words of the Acts, and printed in Black Letter to distinguish them : And there will they observe, that as in the former, the Sheriffs are appointed to manage both Poll and Scrutiny ; so in the latter, Provision is made to satisfy the whole Body of Electors, that they declare according to the Majority of good Votes ; since it is there enacted, that upon a Scrutiny lawfully demanded, they shall *openly and publickly declare*, what contested Votes they *allow*, or *dis-*

((viii))

disallow, that the Candidates
may know which of them are
duly elected and which not.
A Scrutiny therefore, without
such Declaration, seems some-
thing new, and too absolute.
And the Gentlemen who cast up
the Poll-Books last *Midsummer*,
can best tell what Number of
Voices were poll'd for each
Candidate.





(5)

T H E
HISTORY
O F T H E
SHERIFFDOM.



HAROLD being slain, and *William* the Conqueror having brought the whole Kingdom under his Obedience, the Citizens of *London*, by means of *William*, a *Norman*, Bishop of *London*, obtain'd a Charter for the Continuance to them of their Laws, Liberties and Privileges, in the same manner they had enjoy'd them in

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the Reigns of the *Saxon* Kings. The Charter was writ in the old *Saxon* Language ; but I shall here give you an old *English* Translation of it , which is as follows.

‘ *William* Kyngre grete *William* Byf-
 ‘ shop, and *Godfrey* Portreve , and al
 ‘ the Burgeis within *London* , *French*
 ‘ and *English*. And I graunte you, that I
 ‘ wyl that yee be al your Law worth
 ‘ that yee were in *Edwardys* Days the
 ‘ Kyngre. And I wyl that ech Child be
 ‘ hys Fader’s Eyer : And I nill suffur
 ‘ that ony Man you any wrong beed.
 ‘ And God you kepe.

The principal Magistrate at this time was call’d by the Name of Portgrave, or Portreve, appointed by the King, and constituted his immediate Lieutenant or Deputy in the City. For though Historians mention a Liberty in the People to chuse their Magistrates, as well Civil as Military, in the Times of our *British* and *Saxon* Ancestors ;

Ancestors ; yet did not that Consequence follow from this Charter, Nor from the Conquest, till the Reign of Henry the First, was such Liberty allow'd to the Citizens of London ; but that Prince, in Consideration of a round Sum of Money paid to him, did, by his Royal Charter, grant to them a Privilege of being govern'd by such Magistrates as they should chuse from among themselves. The Words of the Charter are : *Ita quod ipsi Cives ponent Vicecomit' qualem voluerint de seipsis, & Justiciar' qualem voluerint de seipsis ad custodienda Placita Coronæ meæ.* That the Citizens have a Licence to chuse a Sheriff from among themselves, and a Justicer, to keep the Pleas of my Crown.

This Charter was confirm'd by King Stephen in Parliament, and by the Charters of Henry the Second and succeeding Princes, tho' not without great Expence to the Citizens.

For our ancient Kings, notwithstanding the Charters of Liberties granted by their Predecessors, (by which they themselves were likewise bound) either to serve some Emergency of State, or gratify the Pride of an ambitious Favourite, frequently found Pretences to seize the Franchises of the City into their own Hands ; and then such Governors were appointed by the King as were Creatures of the Court ; till the Citizens, by paying a considerable Sum of Money, procur'd a Grant from the Crown to confirm to them their ancient Charters, and restore them to their former Rights and Privileges.

In 1189, i. *Richard I.* the chief Magistrate was called *Maior*, and the first who bore that Title was *Henry Fitz-Alwin*, who continued in that Office upwards of twenty four Years ; but the Bailiffs or Sheriffs were changed every Year. And by the second Charter of King *John* and the first of *Henry III.* 'tis expressly

expresly granted to the Citizens of London, to chuse and remove their Sheriffs.

In 1286, 14 Edw. I. Gregory de Rokesley, for refusing to appear at the Tower, as Maior, before the King's Justices, (alleging for the City, that by ancient Liberties they were not bound to go into the Tower of London to make Inquisitions; nor to appear there *pro Judicio*, unless they were warned forty Days before) had his Office seiz'd, together with the Liberties of the City, by John de Kirkeby, the King's Treasurer: And after the Citizens had been some time without a Maior, Ralph de Sandwich was appointed their *Custos*. During this *Custody*, Sheriffs were sometimes assigned to the City by the King's Treasurer, and the Barons of the *Exchequer*; because its Liberties were seiz'd into the King's Hands: And sometimes they were chosen by the Citizens. In 1297, the 25th of the same Prince, Sir John Briton, *Custos*, all the Liberties of the City were restored, the Maioralty

Maioralty excepted ; but in 1299, *Henry Wallis* was chosen Maior.

About the latter End of this Reign, great Conteſts aroſe between Sir *John le Blund* Maior, and *Reginald de Thunderſle* Sheriff, and his Clerks and Officers. Which occaſion'd the following Ordinance upon the Diſobedience of the Sheriffs and their Clerks : ' Since
' that many Evils happen to the Com-
' munitie and Sheriffs, by the Diſobe-
' dience, Ignominy and Rebellion of
' the Sheriffs, their Clerks and Servants,
' it is agreed and appointed by the Maior
' and Aldermen, That all Sheriffs
' Clerks and Servants be obedient and
' yielding to their Superiors in all
' lawful things, and that may be done
' *de Jure* : And if they ſhall not, but be,
' and may lawfully be, convicted upon
' this; let them be remov'd from their
' Office, without having it again after-
' wards.

And this Difference was thus accommodated by the Judgment of the Aldermen.

Cognitio & Concordia R. de Thunderle.

Before the said Aldermen and others,
 the Discords and Disagreements, arisen
 between Sir *John le Blund* Maior of
London, and *Reginald de Thunderle*
 Sheriff of *London*, by common Friends
 mediating, were quieted; and that in
 the manner underwritten: To wit, That
 the said Sir *John* remitted and pardoned
 the foresaid *Reginald* all manner Ran-
 cours and Hatreds between them from
 the Beginning of the World to this Day.
 And the said *Reginald*, for the foresaid
 Remission and Pardon, pledged to the
 same *John* ten Hogsheads of Wine, so
 that the said *Reginald* do not offend a-
 gainst the said Sir *John* for the future;
 But if he again offend against him; and
 upon this may lawfully be convicted,
 he obliged himself, his Heirs and Ex-
 ecutors, to pay the said ten Hog-
 sheads.

As

As to the manner of electing Sheriffs, the Choice was at first by the whole Body of Freemen, as appears by the Words of the Charters: But Tumults and Disorders most probably arising from so vast a Concourse of People being assembled together, the Number of Electors was afterwards restrain'd. For in the twentieth of *Edward I.* *John Blund* was chosen Maior by the Common-Council of *Elye Russel* then Maior, and the Aldermen there named; and the Sheriffs, with the Assent of twelve honest Men of each Ward. In the thirty first Year of the same King, *Will. de Coumb Martin* and *John de Burford* were elected Sheriffs by the Maior and Aldermen, in the Presence of twelve of each Ward, summon'd to chuse and take their Sheriffs.

In the sixth of *Edward the Second*, *William Wellesford* and *John Lambin* were chosen Sheriffs by the Maior, Aldermen, and twelve summon'd out of every Ward,

Wellesford

Wellerford dies, and *Adam Lutken* was chosen by Six and more of each Ward.

In the seventh of *Edward* the Second, *Nicholas Farindon* was chosen Maior by the Maior, Aldermen, Sheriffs, and by the Commonalty assembled: And so the Sheriffs the same Year are said to be chosen.

The Persons selected out of each Ward to chuse these Magistrates were called the *Commonalty*. And were in Number, sometimes Two of the wealthiest and discreetest Citizens in every Ward; sometimes Twelve; and sometimes Twelve, Eight, or Six, as the Ward was great or small; who were cited by Name to be present at the Election.

But the common People, notwithstanding these Regulations, frequently crowding into the Hall on the Day of Election, and behaving themselves there in a very tumultuous and disorderly man-

ner, the Maior and Aldermen, sometimes by the Authority of their Offices, and sometimes of the King's Writ, caused to be proclaim'd the Day before thro' the City, that none should under a great Penalty come on the Morrow to *Guild-Hall* at the Time of Election, unless more especially cited.

And sometimes against the Time of Election, the King himself issued out his Letters for a Proclamation, *That the Choice be made without Tumult and Noise of People, and that none be present who have not a Right of Voting.* And such an Order was made 8 *Edw. II.* for the Election of both Maiors and Sheriffs; that it should be done *in the agreeable and accustomed Manner, without popular Noise and Disturbance.*

And that you may see what Reason there was for this Order, I shall here add King *Edward's* Letter in the same 8th Year of his Reign, commanding that
none

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none should be present at such Election,
but such as should be summoned.

‘ EDWARD, by the Grace of God,
‘ &c. To the Maior and Sheriffs of
‘ London, Greeting. Whereas by the
‘ Charters of our Progenitors, Kings of
‘ England, it was granted to our Citizens
‘ of our City aforesaid, that they should
‘ elect a Maior and Sheriffs from them-
‘ selves, when they would, and present
‘ them (We not being at *Westminster*) to
‘ the Treasurer and Barons of our *Exche-*
‘ *quer*, and there to be admitted accord-
‘ ing to Custom: And such Election by
‘ the Maior and Aldermen, and more dis-
‘ creet Persons of the said City specially
‘ summoned and warned for this purpose,
‘ hath been accustomed in former Times:
‘ And now we have understood, that
‘ some of the popular and plebeian sort,
‘ making a Conspiracy among themselves,
‘ causing Contentions, Differences, and
‘ innumerable Mischiefs Day and Night
‘ in the said City, and making among

‘ them clandestine Conventicles in private
 ‘ Places, and being not called or sum-
 ‘ moned, do thrust and mingle them-
 ‘ selves of their own accord into such E-
 ‘ lections; and by Threatnings and Cla-
 ‘ mours hindring the due making of such
 ‘ Elections, endeavour to chuse such as
 ‘ for Time to come may favour their
 ‘ Errors, that their Wickedness by Defect
 ‘ of congruous Government may pass un-
 ‘ punished, under Dissimulation, by such
 ‘ Persons so elected, to the Hurt of our
 ‘ Crown and Dignity, and the Subver-
 ‘ sion of the State of the foresaid City, and
 ‘ the manifest Oppression of our Citizens
 ‘ abiding in it:

‘ We, willing to provide for the Qui-
 ‘ et and Tranquility of the People under
 ‘ Us, as we are bound; and to meet
 ‘ with such Malice, **COMMAND**, firm-
 ‘ ly enjoining you, That before the Time
 ‘ of the Election of the Maior and She-
 ‘ riffs next to be chosen, ye cause it to be
 ‘ pub-

' publickly proclaimed through the whole
 ' City, and firmly to be forbid, that
 ' none, unless he shall be to this espec-
 ' ally called and summoned, or is bound
 ' thereto, come thither at the Time, nor
 ' intrude himself in making the Election,
 ' nor hinder it any way, under Pain of
 ' Imprisonment; from which he may not
 ' escape without our special Command.
 ' And that the foresaid Election be made
 ' by the Aldermen, and other the more
 ' discreet and powerful Citizens of the
 ' said City, as in the same it hath been
 ' anciently accustomed to be done. Ta-
 ' king notice for the future, that if ye shall
 ' present any chosen otherwise, than is
 ' mentioned before, to the Treasurer and
 ' Barons of our *Exchequer* aforesaid, We
 ' will by no means admit them. Wit-
 ' nefs my self at *Westminster* the 4th Day
 ' of *July*, in the 8th Year of our Reign.

By Vertue of this Letter from the
 King, a Proclamation was issued out to
 the same Purport; and the Election was

car-

carried on peaceably, and without Disturbance.

In 1324, the 18th Year of this Reign, *Nicholas Farindon*, Goldsmith, was appointed Maior by the King, the Maioralty being then seized by him. But his Successor, *Edward III.* granted, That the Liberties and Franchises of the City should not, after that time, (for any Cause) be taken into the King's Hands. This Prince also granted, That the Serjeants of the Maior and Sheriffs of *London* should bear Maces of Silver and Gilt, with the King's Arms engraven on them. And in this Reign it was likewise ordained, that the Aldermen, who were before changed yearly, should not be removed without special Cause.

But to proceed with the Election of Sheriffs, the Subject principally designed to be treated on here: In the 21st Year of the Reign of this same King *Edw. III.* began the Custom for the Maior to nominate

minate, or choose a Person, either in the Common Hall; or, if drunk to before, to present him to the Common Hall; which Person so nominated, or presented, was wont to be confirmed and allowed to be one of the Sheriffs from that Time till the Year 1641; a few Instances only excepted, when the Persons nominated by the Maior have refus'd the Office, and paid their Fines; by which means it has happen'd, that during that Interval the Choice of both Sheriffs has devolv'd upon the Common Hall.

In the 7th of *Richard II.* an Act pass'd, That *St. Matthew's Day* should be the Day for Election of a Sheriff; and when the Commons shall have agreed upon a Person, they shall present him to the Maior and Aldermen.

In the fifteenth of *Edward IV.* an Act of Common Council was made, empowering the Master, Wardens, and Liveryes, to assist at the Election of Maiors,
She-

Sheriffs, &c. And from that Time, these Magistrates have been chosen by the Maior, Aldermen, Common Council, and Liveries of the several Companies.

In the Year 1650, indeed, a great Controversy arose about the Right of electing; whether it rested in the Maior, Aldermen, and Liveries; or in the Maior, Aldermen, and Freemen in general, by their Representatives to be chosen in every Ward. But this being in the Time of the Usurpation, and the Liveries having been the Electors, during all Kingly Government, from the fifteenth of *Edward* the Fourth to this Day, except when the Liberties of the City were seiz'd, I shall content my self with only mentioning, that such a Contest did happen at that Time.

In the 19th of *Henry VIII.* an Act pass'd, That if any Citizen happened to be elected, as well by the Maior according to his ancient Prerogative, as by the

the Commonalty on the 2d of September, and take not the Office, he should pay the Fine.

Another Act was made the 30th of the same Prince, That the Election of Sheriffs for the Commonalty should be had, and used on the Day of St. Peter *ad Vincula*; Provided, the Maior shall not at any Time before *Lammas* name, and elect one of the Sheriffs, at his Pleasure.

In the 24th of Queen Elizabeth, another Act pass'd, appointing the 1st of *August* for Confirmation, Allowance and Election of the Persons to be named Sheriffs by the Lord Maior, according to ancient Usage; and for the Election of another by the Ld. Maior and Commons. If the Person to be named by the Maior shall before the first of *August* refuse to take upon him the Office, or decease; or that new Nomination shall need to be made, it shall be lawful for the Lord Maior to make

a new Nomination before the first of *August*, or Nomination, as hath been accustomed.

In the 34th of the same Queen, Sir *William Webb* Maior, an Act pass'd, repealing all former Acts touching Election and Confirmation of Sheriffs, and constituting the 24th of *June* to be the Day, as well for Confirmation and Allowance of the Maior's Sheriff, as for the Choice of another Sheriff by the Maior, Aldermen and Commons, &c.

This Act was made void by another Act made in the 7th Year of the Reign of King *Charles* the First, Sir *Robert Duncy* Maior: ' For that the Penalties and Forfeitures contained in *Webb's* Act had been over mild; and thereby his Majesty's Service been in danger of Prejudice; and the good Citizens of this City, by reason of often Refusal of the Office of Shrievalty, had been much troubled and disquieted. It was therefore

fore now ordained, That the Day for
 the Confirmation and Allowance of a
 Sheriff nominated by the Lord Maior,
 as also for the Election of another She-
 riff by the Lord Maior, Aldermen and
 Commons, should be yearly on the
 24th of *June*. And if it should hap-
 pen, by Death, Refusal, or any other
 Occasion whatsoever, that there should
 be Cause to make a new Election; then
 the same to be from time to time on
 such Day as should be order'd by
 the Court of Lord Maior and Alder-
 men.

That no Freeman so to be chosen,
 be exempted from the Execution of the
 Office of Shrievalty, except he will
 voluntarily take his corporal Oath, be-
 fore the Lord Maior and Aldermen in
 open Court, that he is not of the Value
 of 10000 l. in Lands, Goods, and se-
 parate Debts; and do bring with him
 six other Citizens of good Credit and
 Reputation, who shall voluntarily tes-

tify upon their Oath, that in their Con-
sciences they believe such Person hath
sworn truly.

And if any Freeman shall be chosen
Sheriff, and Publication by open Procla-
mation made in *Guild-Hall*, in the
Hustings Court, in the Presence of the
Ld. Maior and six Aldermen; and in his
Absence, in the Presence of eight Alder-
men at least; and being called to come
forth and take the Office of Sheriff,
shall not personally appear in the Inner
Chamber of the *Guild-Hall* at the next
Court there to be holden, (unless he
have such reasonable Excuse as the
Court shall allow) and there become
bounden to the Chamberlain of the
City and his Successors, by his Deed
obligatory, in the Sum of 1000*l*. with
Condition that he shall personally ap-
pear in the Publick Assembly in the
Guild-Hall on the Vigil of St. Michael
the Arch-angel next following, at the
time in that behalf accustomed, and
then

If then take upon him the Office and
 Charge of Sheriff, then the said Obliga-
 tion shall be void.

But if such Person shall make De-
 fault of Appearance, or refuse to take
 the said Office upon him, he shall forfeit
 400 l. to the Maior and Commonalty: Or
 if an Alderman at the Time of Choice,
 600 Marks; and each of them shall, ne-
 vertheless, remain eligible yearly after-
 wards.

And if any Default or Forfeiture shall
 be made by any Person that shall first
 in any year be chosen by the Lord Mai-
 or, then 100 l. Parcel of such Forfeit-
 ure shall be given to him that shall
 first in the same Year take upon him
 the said Shrievalty, or upon such other
 Person as shall be chosen by the Lord
 Maior, Aldermen, and Commons of
 the City of London: And the Residue
 of the Forfeitures shall be employ'd to
 the

the Use of the Maior, Commonalty and
Citizens.

And if any shall not pay such Forfeitures to the Chamberlain within three Months, he shall, over and above the said Penalties, forfeit the Sum of 100 l. more.

And that no Alderman, in respect of Posteriority of Choice to the Office of Shrievalty, be inferior in Anciency of Pre-eminence to any Commoner, It is enacted that the Lord Maior shall not elect any Commoner to be Sheriff, so long as there shall be then an Alderman of the City eligible to the same Office.

None of the above-mention'd Forfeitures to be dispens'd with, or remitted by the Lord Maior and Aldermen, without the Assent of the Commoners in publick Common-Council.

The Reader may here observe, that by most of the Acts of Common - Council abovemention'd, the Citizens are expressly appointed to meet on such a Day to confirm and allow a Sheriff nominated by the Lord Maior, and themselves to elect another Sheriff.

And the usual Proclamation, that began the Common - Hall on Midsummer - Day, declar'd, That they were summoned for that purpose. Nay, this Authority of that Magistrate was so generally allowed, that Persons drunk to by the Lord Maior have frequently, before Confirmation by the Common Hall, sign'd Bonds to hold the Office, or paid the Forfeiture upon Refusal to hold, or swore themselves not of Ability to hold.

After this Manner were Elections managed, till the breaking out of the Rebellion in 1641, from which time, to the Year 1663, the Person nominated by the Maior was refus'd to be confirmed by the

the Common-Hall. But the King being restored, and the Nation settled, Elections were likewise carried on according to the ancient Custom, and the Maior's Sheriff was constantly allow'd by the Commons, except in the Year 1674, to the Year 1680.

This Year upon *Midsummer-Day*, the Choice fell upon Mr. *Bethel* and Mr. *Cornish*. But it appearing, that they were uncapable to bear Office in any Corporation by a Statute in the 13th of *Charles II.* for that they had not receiv'd the Sacrament in the establish'd Church, abjured the Covenant, &c. a new Election was appointed to be at *Guild-Hall* on *Wednesday* the 14th of *July*. But before that time, they qualified themselves according to the Direction of the Act, and stood for a new Choice. Against them appear'd two other Competitors, Mr. *Box* and Mr. *Nicholson*; and with such a Strength, that they came to a Poll, a Thing unknown till about a Year or two before
this

this time. On the 29th of *July* a Common-Hall was assembled, and Mr. *Bethel* and Mr. *Cornish* declared to be duly chosen.

The next Year Mr. *Pilkington* and Mr. *Shute* were chosen Sheriffs, not without great Difficulty and Struggle between the contending Parties. But on *Michaelmas Day*, Sir *John Moor*, a Person entirely in the Court-Interest, was chosen into the Office of Lord Maior, by a Majority of three hundred Voices. This Gentleman, a little before the 24th of *June* following, at a Dinner call'd the *Bridge-House* Feast, chose Mr. *Dudley North* one of the Sheriffs for the Year ensuing, by the Ceremony of drinking to him; upon which, he issued out his Precepts to the several Companies, to appear at *Guild-Hall*, for the Confirmation of Mr. *North*; and for the Election of another Sheriff. A great Concourse of People accordingly assembled, and the Candidates were Mr. *North* and Mr. *Box* on one side, and Mr.

Papillon and *Mr. Dubois* on the other. The Poll was managed by *Mr. Pilkington* and *Mr. Shute*, Sheriffs: But the Lord Maior, not satisfy'd with their Method of Proceeding, by Proclamation adjourn'd the Court to the 27th of *June*, and departed the Hall. The Sheriffs however continued the Poll till Night. The next Day, being *Sunday*, admitted of no Business; and on *Monday* morning the Lord Maior, Court of Aldermen, and Sheriffs, were all sent for to appear before the King and Council; where the Matter being examined, the two Sheriffs were committed Prisoners to the Tower, by a Warrant signed by twenty four Privy Counsellors; and an Order made, that an Information should be exhibited in the King's Bench by the Attorney General against *Pilkington*, *Shute*, *Cornish*, and such others as should upon Examination be found to be Encouragers of the late enormous Riot, and that he proceed against them according to the utmost Severity of the Law.

On

On the 27th of *June*, the Common-Hall was again adjourn'd by the Lord Maior to the 5th of *July*. The Sheriffs were in the mean while bail'd by four Gentlemen of considerable Estates; and they pleaded not guilty to the Information exhibited against them. The Lord Maior being sick on the 5th of *July*, that he could not come to the Hall, sent Order by the Recorder to adjourn the Hall to the 7th following: But the Sheriffs and Persons assembled, doubting the Validity of an Adjournment made by any other than the Maior himself in his own proper Person, proceeded to the Election, and declar'd their Choice of *Papillon* and *Dubois*. On the 7th the Lord Maior met again at *Guild-Hall*; but Disputes arising, the Court was further adjourn'd to the 14th.

But immediately before that Day, the King was pleas'd to issue out an Order of Council, whereby the Lord Maior was

required to maintain and preserve entire the ancient Customs of the City; and to take effectual Order, that at the Common-Hall to be held to-morrow, all Proceedings be begun anew, and carried on in the usual manner, as they ought to have been on the 24th of June last.

This was read the next Day in *Guild-Hall*; and the Lord Maior declar'd Mr. *North* duly elected by him, and that he would poll for the other three; and in order to it, caus'd Books to be prepar'd with three Columns only; while the Sheriffs went on apart, and poll'd for four Heads. The next Day the Lord Maior declared Mr. *Box* to have the Majority of Votes in his Books, and therefore *North* and *Box* to be the Sheriffs for the Year ensuing. The Sheriffs, on the contrary, declar'd *Papillon* and *Dubois* to be duly elected by a Majority of Voices in their Books; and so the Poll was ended.

But

But Mr. *Box*, after some time had past, thought it better to pay his Fine, than take upon him the Office; whereupon another Common-Hall was call'd on the 19th of *September*, and Mr. *Rich* was by my Lord Maior declared in his room, and then he dissolv'd the Court. The Sheriffs, however, continued the Assembly, went on with the Poll, and declared *Papillon* and *Dubois* to be the Sheriffs duly elected. But the next Morning the Lord Maior and Court of Aldermen waited upon the King, and gave an Account of the whole Proceedings; upon which the Sheriffs were directly sent for to the Council, severely reprimanded, and obliged to give Bail to answer to an Information of their being guilty of a high Misdemeanor. Upon the whole, Mr. *North* and Mr. *Rich* were sworn Sheriffs, according to the Custom of the City of *London*, before the Lord Maior; and afterwards presented to the *Exchequer*, and sworn there; the old Sheriffs

Sheriffs giving up their Office at the same time.

On the 8th of May, 1683, came on the Trial upon the Information exhibited by the Attorney-General. It set forth, ' That the Defendant, with many other Persons unknown, did riotously assault the Lord Maior; that *Pilkington* and *Shute*, by Colour of their Office as Sheriffs of this City, and the other Defendants, did continue the Poll for Election of Sheriffs, after the Lord Maior had caus'd Proclamation to be made for all Persons to depart; and did unlawfully affirm to the People, that Sir *John Moore*, then Lord Maior, had no Power to adjourn them.

The Gentlemen tried, were *Pilkington*, *Shute*, *Cornish*, *Ford* Lord *Grey of Werk*, *Player*, *Bethel*, &c. who were all found guilty, and fined in several Sums, which were soon after paid into the *Exchequer*; but upon the Revolution the Judgment was,

was, by writ of Error, revers'd in Parliament.

This Year, 1683, Sir *William Pritchard* was elected Maior, not without great Opposition. During his Maioralty, he was arrested by two Warrants from the Coroner, one at the Suit of Mr. *Papillon*, the other at the Suit of Mr. *Dubois*. Sheriff *North*, and several Aldermen, were likewise at the same time arrested by him. They submitted to his Arrest, and went with him Prisoners to *Skinners-Hall*, Mr. *Brome*, the Coroner, being then Clerk of that Company. They continued there till late at Night; but a Serjeant of the *Poultry-Counter* having an Action of Debt against the said *Brome*, arrested his Body at *Skinners-Hall*, and immediately carried him to the Counter. The Coroner being thus remov'd, the Lord Maior and his Fellow-Prisoners demanded, if any were left in that House that had Orders to detain them any longer there; which being answer'd in the Negative.

Negative, they all departed peaceably to their Habitations.

However, Sir *William Pritchard* brought his Action against Mr. *Papillon*, for this Violence upon his Honour and Dignity as Maior, &c. which was tried at *Guild-Hall* in *Michaelmas* Term, 1684, before the Lord Chief Justice of the Court of *Kings-Bench*; when the Jury found for the Plaintiff, and assessed Damages to ten thousand Pounds, and Costs to four Marks.

But to return to the Business of Election: These Contests creating great Uneasiness in the Minds of the People, it was thought proper that some Persons of Ability should search into the old Customs of the City in the Election of their Sheriffs; which accordingly was done, and they made their Report on the 5th of *June* 1683. This occasion'd a new Act of Common-Council; whereby the Right of Election of one of the Sheriffs was confirmed to the Lord Maior, and the

the 24th of June appointed for the Choice of another by the Commons: The Penalty in this Act was, for a Freeman chosen, and refusing to hold, to forfeit 400 l. for an Alderman chosen Sheriff, and refusing, 600 l.

But now the Storm, that had for some time been gathering in Clouds, broke with full Force upon the Heads of the Citizens; for on the 12th of June, 1683, Mr. Justice Jones, in the Absence of my Lord Chief Justice Saunders; who was then indispos'd, pronounc'd Judgment against the City, and declar'd it to be the unanimous Opinion of the Court of Kings-Bench, That the Liberties and Franchises of the City of London be seiz'd into the King's Hands.

The City's Liberties being thus seiz'd by King Charles II. they found it necessary to present a Petition to him in Council at Windsor on Monday the 18th of June 1683: 'Wherein they express'd

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their

' their Sorrow for the Misgovernment of
 ' this his City of late Years, which occa-
 ' sion'd a *Quo Warranto* to be brought
 ' against them, upon which Judgment
 ' had been pronounc'd for Seizure of
 ' their Liberties and Franchises into his
 ' Majesty's Hands. They acknowledg'd
 ' the great Favour of this Opportunity of
 ' Application to his Royal Grace vouch-
 ' safed them, by reason of his Majesty's
 ' not requiring Judgment to be imme-
 ' diately entred thereupon. And threw
 ' themselves at his Feet, to implore his
 ' Princely Compassion; begging Pardon,
 ' in the Name of all the Citizens, for
 ' the Offences they had committed;
 ' solemnly assuring his Majesty of con-
 ' stant Loyalty and Obedience to him,
 ' his Heirs and Successors; and promising
 ' regular and dutiful Administration for
 ' the future; submitting to his good
 ' Pleasure, and begging his Commands
 ' and Direction.

The Council at Westminster on Monday the 18th
 of June 1683: Wherein they agreed
 that

The Petition was read, and the Citizens order'd to withdraw; but after a while they were call'd in again; and the Lord Keeper told them, ' That his Majesty's Affection was too great towards the City to reject their Suit, provided they comply'd with such Alterations as should be propos'd to them, which were as few and easy as were consistent with the good Government of the City, and Peace of the Kingdom: But that if they neglected a speedy Compliance, he was commanded to let them know, that the King had given Order to the Attorney-General to enter up Judgment on *Saturday* next.

These Regulations were: ' That no Lord Maior, Sheriff, Recorder, Common Serjeant, Town Clerk, or Coroner of the City, should be capable of, or admitted to, the Exercise of their respective Offices, before his Majesty shall

¶ have approv'd them under his Sign Manual.

¶ That if his Majesty shall disapprove the Choice of any Person to be Lord Maior, and signify the same under his Sign Manual to the Lord Maior ; or in default of a Maior, to the Recorder, or Senior Alderman, the Citizens shall, within one Week, proceed to a new Choice. And if his Majesty shall disapprove the second Choice, he may, if he please, nominate a Person to be Lord Maior.

¶ That if his Majesty shall in like manner disapprove the Persons chosen to be Sheriffs, or either of them, he may appoint Persons to be Sheriffs.

¶ But this Election of Officers may be according to the ancient Usage of the City.

¶ That

That the Lord Maior and Court of Aldermen may, with Leave of his Majesty, displace any Alderman, Recorder, Common Serjeant, Town Clerk, Coroner of the said City, and Steward of the Borough,

Upon the Election of any Alderman, if any presented by the Ward to the Court shall be judged unfit; upon such Declaration by the said Court, the Ward shall proceed to the Choice of other Persons in their room. And if the Court shall disapprove such second Choice, then the Court may appoint others in their room.

The Justices of Peate to be by the King's Commission. Which his Majesty will grant according to the usual Method, unless upon extraordinary Occasion, when his Majesty shall think it necessary.

And

And in this Condition stood the City, from the 35th of *Car. II.* till the last Year of King *James II.* the Maiors and Sheriffs being appointed by Commission from the King; when King *James*, apprehending an Invasion from the Prince of *Orange*, appointed the Lord Chancellor to carry back the Charter to *Guild-Hall* in great Formality, and to make a Resignation of the same to the City.

But the Revolution being accomplish'd, by a Statute of the Second of *William and Mary*, the former Proceedings were declar'd illegal and arbitrary; and that Judgment, and every other Judgment given and recorded in the same Court for seizing the Franchises of the said City, were revers'd and made void, and *Vacats* entred upon the Rolls. It was further declar'd, that the Maior, Commonalty, and Citizens of *London*, did remain a Body Politick, by the Name of Maior, and Commonalty, and
Citizens

Citizens of the City of *London*; and that they should have and enjoy all their Rights and Charters: And that all Charters, Letters Patents, &c. concerning any of the Liberties, Lands and Tenements, Rights, Titles, &c. made since the said Judgment by the late Kings *Charles* and *James*, were thereby declar'd void. Also, the Officers, Companies and Corporations, were restored.

Matters being thus settled, and the City in full Possession of their Charters and Liberties, in the 6th of *William* and *Mary*, Sir *William Ashurst* Maior, the Affair of Elections was taken into Consideration: Upon which an Act of Common-Council pass'd to repeal that Clause in *Ducy's* Act; whereby it was ordained,
 ' That the Lord Maior shall not chuse or
 ' elect any Commoner, so long as there
 ' shall be an Alderman of the City
 ' eligible: For that the said Clause, in
 ' respect of Accidents or Circumstances,
 ' may not at all times be convenient to
 ' be

be practised. This Act likewise re-
 peals a Clause in another Act, made in
 the Maioralty of Sir *William Pritchard*;
 by which it was enacted; ' That the Per-
 son who shall be nominated and elec-
 ted, according to ancient Usage, by
 the Lord Maior, to be one of the
 Sheriffs, and such Election to be de-
 clared to the Commons assembled in
 Common-Hall upon the 24th of June,
 shall there by the Commons be con-
 firmed and allowed to be one of the
 Sheriffs; and that upon proposing the
 said Person, in case any Hand shall be
 holden up in token of Confirmation,
 the said Person shall be taken to be
 confirmed and allowed. And then an-
 other Person shall be chosen by Majo-
 rity of Hands to be the other Sheriff.
 Which said Clause was adjudg'd to be
 not only repugnant to Reason; but the
 Rules and Methods of Elections. And
 therefore it was now enacted, that the
 said several Clauses; and either of
 them, should be repealed, annulled,
 and

and made void. By this Act likewise the Day of Election was appointed on Monday, in case Midsummer-day fell on Sunday.

The next Year, Sir Thomas Lane Maior, an Act of Common-Council pass'd for settling the Methods of calling, adjourning, and dissolving the Common-Halls, upon the several Elections of the Maior, Sheriffs, Chamberlain, and other Officers usually there chosen. And this being the Act on which the principal Stress of Argument is laid at this time, I shall give the Reader so much of it as relates to our present Purpose in the very Words of the Act. It is as follows:

Whereas by reason of some Disputes concerning the Right and Power of calling and adjourning of Common-Halls, for Election of Maior, Sheriffs, Chamberlain, and other Officers and Persons at such Halls usually chosen, several Dis-

orders have arisen amongst the Citizens of this City, to the great Disquiet thereof,

Now for the preventing the like Disturbances for the future, and that a certain and undoubted Method may be observed therein for the time to come, Be it declared by the Right Honourable the Lord Maior, Aldermen and Commons in Common-Council assembled, and by the Authority thereof, That the Right of Assembling Common-Halls, for the Election of the Lord Maior, Sheriffs, and other publick Officers of this City, and the Power to dissolve the same, after such Elections made and finished, and not otherwise, is, and of Right ought to be in the Lord Maior of this City for the time being.

And it is enacted and ordained for the future, That if after any Common-Hall is assembled, for any of the Elections, as aforesaid, a Poll and Scrutiny, or either of them, shall be lawfully demanded,

ded,

ded, or any other Difficulty shall arise, which may require the Adjournment of the said Hall, That then the Right of granting and taking the Poll and Scrutiny, or either of them, and adjourning the said Hall from time to time, till such Poll and Scrutiny are concluded, and the several Elections finished, shall be in the Sheriffs of the said City for the time being, and no other; any Law, Usage or Custom to the contrary notwithstanding.

But if it shall at any time happen, That any Dispute or Difference shall arise at such Elections between the Sheriffs for the time being, touching any Matter relating to Adjournments, Polls, or Scrutinies, that may impede or hinder the compleating and finishing thereof within the Times hereafter for that Purpose limited and appointed; That then and in such Case, all such Differences between them the said Sheriffs shall be determined by the Right Honourable

the Lord Maior for the time being; and such Orders and Directions as his Lordship shall therein make, shall be obserb'd by the said Sheriffs accordingly: And in Default of an immediate Compliance with such Orders and Directions, That then it shall and may be lawful to and for the said Lord Maior for the time being, to proceed in granting and taking the Poll and Scrutiny, or either of them; and in adjourning the said Hall from time to time, till such Poll or Scrutiny are concluded, and the several Elections finished, in like manner as the said Sheriffs should, or might have done, in case no such Difference had happened.

And it is hereby further Enacted and Ordained, That where any Poll or Scrutiny, or either of them, for determining the Elections of the Officers and Persons aforesaid shall be granted, that the Sheriffs for the time being shall finish such Poll within three Days next and immediately ensuing the first Meeting and
assem-

assembling the Common-Hall: And that the said Sheriffs shall and are hereby required to finish the Scrutiny, and to make Return of such Officers and Persons, as shall be so chosen, within Seven Days next and immediately ensuing the finishing of such Poll: And in case of Difference between the said Sheriffs, as aforesaid, that then the Lord Maior for the time being shall and is hereby required to finish such Poll within Three Days next and immediately ensuing such Difference, and to finish the Scrutiny, and to make Return of such Officers and Persons as shall be so Chosen, within Seven Days next and immediately ensuing the finishing of such Poll, in like manner as the Sheriffs should have done, in case no such Difference, as aforesaid, had happened,

And it is hereby further Enacted and Ordained, That no Person or Persons that shall be hereafter duly elected and chosen Sheriff, or Sheriffs, for the City
of

of London and County of Middlesex, by the Livery-Men of this City, in Common-Hall assembled, shall be discharged from serving the said Office, after the 30th Day of August in any Year, without the Consent and Approbation of the Lord Maior, Aldermen, and Commons in Common-Council assembled, first had and obtained; any Law, Usage, or Custom, to the contrary hereof in any wise notwithstanding.

In the second Year of the late Queen, Sir Samuel Dashwood Maior, an Act of Common-Council was made to empower the Lord Maior, for the time being, to nominate one, or more Persons to be Sheriff of the City of London and County of Middlesex for the Year ensuing. This Act declares, ' That the
' Right of electing Sheriffs is, and shall
' be in the Livery-men of the several
' Companies of the City of London in
' Common-Hall assembled. It is further
' enacted, That it shall be lawful for
the

‘ the Lord Maior for the time being,
 ‘ from and after the 14th Day of *April*,
 ‘ unto the 14th Day of *June* in every
 ‘ Year, to nominate, in the Presence of
 ‘ six Aldermen, a fit and able Person,
 ‘ being a Freeman, for Sheriff of the
 ‘ said City and County of *Middesex* for
 ‘ the Year ensuing. And if such Per-
 ‘ son, so nominated, shall within six
 ‘ Days after Notice thereof given him,
 ‘ or left in Writing at the Place of his
 ‘ Abode, pay to the Chamberlain 400*l*.
 ‘ then he shall be exempted from ser-
 ‘ ving the said Office for three Years,
 ‘ and not be liable to be nominated by
 ‘ any succeeding Lord Maior.

‘ And it is further enacted, That after
 ‘ the Expiration of the said six Days, the
 ‘ Lord Maior may nominate another
 ‘ Person duly qualified, who, upon pay-
 ‘ ing the like Sum, shall be exempted
 ‘ after the same manner: And so *toties*
 ‘ *quoties*, as the Lord Maior shall think fit
 ‘ to nominate between the said 14th Day
 ‘ of

of *April* and 14th Day of *June* in every
Year.

But if such Person or Persons, after
Notice given, shall refuse or neglect to
pay the said Sum, then shall he or they,
so nominated by the Lord Maior, be
the first Commoner, or Commoners, put
in Nomination at the next *Common-Hall*,
and in the same Order as nominated by
the Lord Maior: And in case such Per-
son or Persons shall be then and there
elected, or at any time afterwards, and
refuse to take upon him the Office, or to
become bound so to do, or otherwise dis-
charge himself according to the Laws
and Ordinances of the City, then shall
such Person or Persons forfeit and pay
six hundred and twenty Pounds to the
Chamberlain of *London*, for the use of
the said City, to be recover'd by him
by Action, or Bill of Debt Original, to
be commenc'd and prosecuted in any
of the Courts of Record of the Queen's
Majesty,

‘ Majesty, her Heirs and Successors,
 ‘ within the said City.

In the Maioralty of Sir *Richard Hoare*, the 11th Year of Queen *Anne*, an Act was made to regulate the Nominations and Elections of Aldermen and Common-Council-Men; and also for regulating the Elections in *Common-Halls*; and for obliging the Aldermen to nominate and appoint Common-Council-Men to be their Deputies. What relates to *Common-Halls* is in the following Clause,

And be it further Enacted by the Authority aforesaid, That in all Elections of Maior, Sheriffs, Chamberlain, and other Officers of the said City, usually chosen at Common-Halls, where a Scrutiny upon a Poll is lawfully demanded and granted, for determining the Elections of such Officers, or any of them, the Sheriffs of the said City for the time being (to whom the Right of granting and taking the Poll and Scrutiny, or

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either

either of them, doth properly belong) shall upon full hearing the Objections against any Person voting in the said Elections, to disqualify his Vote, and the Answer made thereto, or before they make Return of such Officer, as shall be chosen, openly and publickly declare, in the Place where the Scrutiny shall be made, whether the Person or Persons so objected against, have or hath a Right, and be well intitled, according to the Laws and Customs of the said City, to vote in the said Election or not, and be allowed or disallowed by him accordingly; that so the Candidates contesting may know which of the Electors objected against are allowed, and which of them are not allowed in the said Elections.

Thus have I gone through the several Acts of Common-Council relating to the Election of Sheriffs. I shall now add the Opinion of the Lord Chief Justice of the

King's-

King's-Bench touching these Elections, and the Prerogative of the Lord Maior in them, as I find it in his Charge to the Jury, in the great Case tried before him in *Michaelmas Term*, 1684, wherein Sir *William Pritchard* was Plaintiff, and *Thomas Papillon* Esq; Defendant. Which, compar'd with the Acts of Common-Council pass'd since that time for the regulating Elections, and just before recited, may be sufficient to enable any Person of tolerable Understanding to judge of the Dispute now on foot, whose Prejudice does not outrun his Reason.

The C H A R G E.

‘ Therefore, Gentlemen, for the Customs of the City of *London*, as to the manner of Elections, or who hath the Right to manage them, they are not at all material to this Business; and if they were, there is never a one of you but know it as well as we, or any Body doth. I myself had the Honour to serve the City of *London* in the Places

of Common-Serjeant and Recorder fe-
 veral Years: So long ago, that not
 above one or two that sit upon the
 Bench in the Court of Aldermen have
 been longer conversant in *Guild-Hall*,
 or know the Customs of *London* in
 those Matters better than I do.

It is notoriously known to all that
 have had any Dealing in *London*, or
 been acquainted with any thing there,
 that till within these six or seven Years
 last past, the Lord Maior and Court of
 Aldermen, and the Common-Hall, used
 to go a-birding for Sheriffs (you very
 well know what the Phrase means)
 and perhaps it was not once in ten
 times that those that were chosen
 Sheriffs held; but generally every
 Year there were I know not how
 many Elections upon fining off, or
 swearing, or some reason or other; so
 that now and then there was but one
 Sheriff chosen for a great while to-
 gether; and now and then never a one
 from *Midsummer-day* till near *Michael-*
mas.

‘ *mas.* And the way was, to consider
 ‘ such a one hath most Money in his
 ‘ Pocket; Oh! then put him up for
 ‘ Sheriff: And then, if he went off,
 ‘ then another would be found out. And
 ‘ there was one old Deputy *Savage*, that
 ‘ used to keep a black Book, that would
 ‘ furnish Names for I know not how
 ‘ many Elections. And who should be
 ‘ Sheriff, so as to divide into Parties,
 ‘ and Poll, was never a Question, before
 ‘ such time as Mr. *Jenks*, that they speak
 ‘ of, came to be put up, and there the
 ‘ Dispute began; then the Faction be-
 ‘ gan to appear.

‘ Now if any Man offers to tell me, I
 ‘ apprehended always it was the Sheriffs
 ‘ Right to manage the Poll; I would
 ‘ ask him how that can be a Right that
 ‘ never was done before; let them shew
 ‘ me any one Instance of a Poll for
 ‘ Sheriffs before that time. No, it was
 ‘ notoriously known when the Polls be-
 ‘ gan, Persons did not think the Shrie-
 ‘ valty

' valty such an Office, that it was so
 ' earnestly to be coveted and desired.
 ' Polls, indeed, used to be heretofore
 ' for the Bridge-Masters Places, that
 ' are Places of Profit and Advantage;
 ' and so for Ale-Conners, and the like;
 ' those have been often in your time
 ' and mine, Gentlemen, we may very
 ' well remember them. But this Office
 ' of Sheriff, People were not heretofore
 ' so ambitious of as to poll for it, but
 ' the City was glad if they could get
 ' any worthy and fit Person to accept of
 ' it.

' And for the Management of the Elec-
 ' tion, we all can tell the manner of it as
 ' well as any thing in the World. After
 ' my Lord Maior and the Aldermen were
 ' gone off the *Hustings*, and retir'd to this
 ' Place, the Common-Serjeant staying
 ' there with the Sheriffs, used to make
 ' a Speech to the Common-Hall, a Re-
 ' hearfal of what had been before said
 ' by the Recorder; and then received
 ' the

‘ the Nomination of such Persons as
 ‘ were to be put to the Question for
 ‘ Election from the Common-Hall. And
 ‘ upon the putting of the Question, every
 ‘ Man held up his Hand for those that
 ‘ he desired should be chosen ; and if it
 ‘ could be decided by View of the
 ‘ Hands, well and good : And the Com-
 ‘ mon-Serjeant consulting with the She-
 ‘ riffs, and those about him, declared
 ‘ their Opinion, that the Election fell so
 ‘ and so on the one side, or on the other ;
 ‘ but if doubtful, or a Poll demanded
 ‘ by any one ; then they used to acquaint
 ‘ my Lord Maior what was done in the
 ‘ Common-Hall ; and thereupon, they
 ‘ gave Order for declaring the Election,
 ‘ or granting the Poll, and used to come
 ‘ down to the *Hustings* for that purpose ;
 ‘ and no one ever thought, that either
 ‘ the Common-Serjeant, or the Sheriffs,
 ‘ or any Body else but my Lord Maior,
 ‘ had the Power of those Courts : For
 ‘ the Common-Hall was always sum-
 ‘ moned by Precept from the Lord
 ‘ Maior ;

' Maior; and when the Business was
 ' done, or was to be put off to another
 ' Day, the Common-Crier, by Com-
 ' mand from the Lord Maior, makes
 ' Proclamation, You good Men of the
 ' Livery, &c. may depart for this time,
 ' and give your Attendance here again
 ' such a Day, or upon further Summons.
 ' No Body ever talk'd of summoning a
 ' Common-Hall by any Body but my
 ' Lord Maior. He did it by virtue of
 ' his Office, and he dissolv'd it or ad-
 ' journ'd it by virtue of his Office. All
 ' this is as notoriously known to all Men
 ' that know any thing of *London*, as the
 ' Faces of you of the Jury are to the
 ' People here, or to one another. And
 ' this never came to be a Question, till
 ' the Business of the Poll between Sir
 ' *Simon Lewis* and *Jenks* came about,
 ' which you have heard of. Mr. *Papil-*
 ' *lon* himself, when he was chosen
 ' Sheriff before, and fined for it, was
 ' chosen in this manner, and no other.

Mr,

' Mr. Cornish, he comes and gives
 ' Evidence that the Common-Serjeant
 ' was reckoned to be the Man that ma-
 ' naged the Choice, by Command and
 ' Direction of the Sheriffs. And some
 ' of those Gentlemen that have been
 ' produc'd on the Defendant's Side,
 ' they say, they have look'd upon it as
 ' the Sheriffs Business: But alas-a-day
 ' it belongs to neither of them, they are
 ' but Officers to the Lord Maior. The
 ' Common-Serjeant's Business is but to
 ' put the Question into the Mouth of
 ' the Common-Cryer. Infomuch, that
 ' when I myself was Common-Serjeant,
 ' as I used to pass by the Shops in Lon-
 ' don, they used to cry, there goes, So
 ' many of you as would have: It was as
 ' plain a Road of things, that every
 ' Body knew it before these things un-
 ' towardly have come to be imbrangled
 ' by our Factions and Divisions, and
 ' the Heat of some busy Fellows. Here
 ' are a great many ancient Citizens, that
 ' I see, that know, and so do you all,
 ' Gentle-

‘ Gentlemen, that this is true. So that
 ‘ all the Discourse of this Matter is but
 ‘ Flourish and Garniture, and doth not
 ‘ affect this Case at all one way or
 ‘ other.

‘ Another thing, Gentlemen, hath
 ‘ been mightily talked of, and urged and
 ‘ insisted upon both by Plaintiff and De-
 ‘ fendant ; and that is, the Defendant’s
 ‘ Right, or not Right of Election to the
 ‘ Office of Sheriff ; and that the Majo-
 ‘ rity was on his Side, say his Council ;
 ‘ on the other Side, say the Plaintiff’s
 ‘ Council. And for the settling that
 ‘ Right, he brought his Action against
 ‘ the Plaintiff ; but it was determined
 ‘ upon the Conviction for the Riot.
 ‘ There is no such thing, Gentlemen,
 ‘ as that it was therein determined :
 ‘ That cannot be a Determination of
 ‘ any Right at all. For though I may
 ‘ have a Right to an Office, or any such
 ‘ thing ; yet I must pursue a legal Me-
 ‘ thod

Method to attain to that Right, and not
go irregular Ways to work.

As if I have a Right to come into your House, because you have not paid me your Rent (to make my Thoughts and Meaning intelligible to you by a familiar Instance, which will shew what I intend) I must not make a Riot, and turn you by Violence out of Possession. For I have a legal Course to come by my Right; to wit, by bringing an Action, and evicting you. But if any Man attempt to get a Right in an unjust manner, and he be punished for it by an Indictment or Information; that, I say, doth not determine the Question of Right one way or other.

Thus far the Lord Chief Justice. I shall further add the Oath of a Sheriff, and the Ceremonial of meeting the two new Sheriffs at their Houses, on the Morrow after Michaelmas-Day in the Morning, and proceeding from
I 2 thence

thence to *Westminster*, to be sworn there, as taken from an old Book printed (by Order) by *John Day*, Anno 1568, and several times since reprinted for the use of those concern'd.

The OATH of the SHERIFFS.

‘ Ye shall swear, That ye shall be
 ‘ good and true unto our Sovereign
 ‘ Lord the King of *England*, and unto
 ‘ his Heirs and Successors, and the Franchise
 ‘ of the City of *London* within and
 ‘ without ye shall save and maintain
 ‘ to your Power, and ye shall well and
 ‘ lawfully keep the Shires of *London*,
 ‘ and *Middlesex*, and the Offices that to
 ‘ the same Shires appertain to be done
 ‘ well and lawfully ye shall do after
 ‘ your Wit and Power; and Right ye
 ‘ shall do as well to Poor as Rich, and
 ‘ good Custom you shall none break,
 ‘ ne evil Custom arrere; and the Assize
 ‘ of Bread, Ale, and all other Victuals,
 ‘ within the Franchise of this City, and
 ‘ without, well and lawfully ye shall
 ‘ keep

keep, and do to be kept; and the
 Judgments and Executions of your
 Court ye shall not tarry without Cause
 reasonable; ne Right shall ye none
 disturb. And the Writs that to you
 come touching the State and Franchise
 of this City ye shall not return, till
 ye have shewed them to the Maior and
 the Council of this City for the time
 being, and of them have Adviseмент;
 And ready ye shall be at reasonable
 Warning of the Maior, for keeping of
 the Peace, and maintaining the State
 of this City; and all other things that
 longen to your Office, and the keeping
 of the said Shires, lawfully ye shall do,
 by you and yours, and the City ye
 shall keep from Harm after your
 Power, and the Shire of *Middlesex*;
 ne the Goal of *Newgate* ye shall not let
 to Farm.

As God you help.

The CEREMONIAL.

All the Aldermen must be at the two
 Sheriffs Houses in the Morning at eight
 of

of the Clock, in their violet Gowns furred, without Cloaks, having their Horses there ready. But the Lord Maior, Master Recorder, and the two Sheriffs, must be in their scarlet Gowns furred, and their Cloaks carried with them to *Westminster*; and so ride to the *Guild-Hall*, and from thence to the *Vintree*, and there taking Barge, land at *Westminster-Bridge*; and in the *Hall* they put on their Cloaks, and so go up to the *Exchequer*, where the two new Sheriffs be presented, and the old sworn to their Account.

Then they put off their Cloaks, and take Barge, landing again at the *Vintree*, where they take Horse. And the Lord Maior rideth to the King's † Sheriff to Dinner, Master Recorder and the Sheriffs riding next to the Lord Maior; the two Sheriffs carrying two white Rods in their Hands, and their Henchmen going after them.

† The eldest Sheriff.

I shall now shew the Nature of the Office of a Sheriff, and so conclude.

It belongs to the Sheriffs to serve the King's Writs of Process, be they Summons, Attachments, or otherwise, to compel Men to answer to the Law for the seizing on Goods, Land, or Bodies, as the Cause requires; also all Extents, Writs of Possession, &c. And for the better Execution of this Office, after a Resistance, the Sheriff may raise the *Posse Comitatus*. He is to return Juries for Trials of Men's Lives, Liberties, Lands and Goods; and upon Actions on the Case for Assaults and Battery, Defamations, Trespasses, &c. And such Jury-Men ought to be of honest Repute, and of good Ability, to consider of, and deliver their Verdicts according to Justice, and the Merit of the Cause. A Sheriff ought to look after the keeping the publick Peace. He is to see condemn'd Persons executed according to their Sentence, except pardon'd
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by the King's Grace. He is to gather in and collect the publick Moneys, by Fines, &c. that belong to the King; and to be accountable for, and to pay in the same into the *Exchequer*; first deducting the publick Expences customarily allow'd to Sheriffs. If a Rescue be made after an Arrest, the Rescuer is liable to be sued, and to pay the Debt. In all Cases where the King is Party, the Sheriff may break open Doors, if Entrance be denied him; but not upon any private Process; but upon Process of Outlawry after Judgment he may do it, or untile the House to come in. But in all Cases, where the Door is open, he may enter, and make Execution of his Writ.

- For the better performing of this Office, the Sheriffs jointly have their Under-Sheriff, who is an Attorney of known Parts, and enters into Security for his just Performance of an Office of so great Trust.